

## **INQUIRY INTO WARNERVALE AIRPORT (RESTRICTIONS) REPEAL BILL 2020**

**Organisation:** Lake Macquarie City Council

**Date Received:** 23 October 2020

---



23 October 2020

Secretariat

NSW Legislative Council's Portfolio Committee No. 7 - Planning and Environment

Via email: [PortfolioCommittee7@parliament.nsw.gov.au](mailto:PortfolioCommittee7@parliament.nsw.gov.au)

Dear Secretariat

**Subject: Inquiry into the Warnervale Airport (Restrictions) Repeal Bill 2020**

Lake Macquarie City Council staff welcome the opportunity to make a written submission to the Committee's inquiry into the Warnervale Airport (Restrictions) Repeal Bill 2020 (the Bill). For your reference, attached is a copy of our submission to the Department of Planning, Industry and Environment's recent review.

Council staff recognise the Bill seeks a staged repeal of the *Warnervale Airport (Restrictions) Act 1996* (the Act), and that the first stage is designed to resolve an issue around the airport's use by the Central Coast Aeroclub. Council staff will not comment on the commercial activities of the Warnervale Airport or on the impact of the Bill on the operations of Lake Macquarie Airport, which is privately owned.

Our objective is to ensure, with or without legislation, Warnervale Airport is appropriately regulated to protect the rights and interests of residents and businesses affected by its operations. Of particular interest to staff are the rights and interest of Lake Macquarie residents and businesses in the Morisset and Wyee catchments, given the different ideas about Warnervale Airport expanding and potentially leading to direct flight paths of larger aircraft over these catchments. The Morisset and Wyee catchments are located within a 15km radius of the Warnervale Airport (refer to attached map).

The Morisset and Wyee catchments are identified growth areas. Growth in these areas is identified in the Hunter Regional Plan, Greater Newcastle Metropolitan Plan and the Lake Macquarie Local Strategic Planning Statement. It is expected that a greater number of residents and businesses will exist in these areas in the future.

Staff do not have an intricate knowledge of the statutory frameworks for airports but understand that the use of legislation to manage the Warnervale Airport is unique, albeit except for Sydney Airport. Other airports, including the Lake Macquarie Airport, are regulated by layers of Federal aviation instruments, State planning instruments and Local Environmental Plans.

Our Ref: F2019/00235 Your Ref:

126-138 Main Road  
Speers Point NSW 2284  
Box 1906 HRMC NSW 2310

T 02 4921 0333  
E [council@lakemac.nsw.gov.au](mailto:council@lakemac.nsw.gov.au)  
W [lakemac.com.au](http://lakemac.com.au)

[lakemac](#) [lakemaccity](#) [ourlakemac](#)

ABN: 81 065 027 868

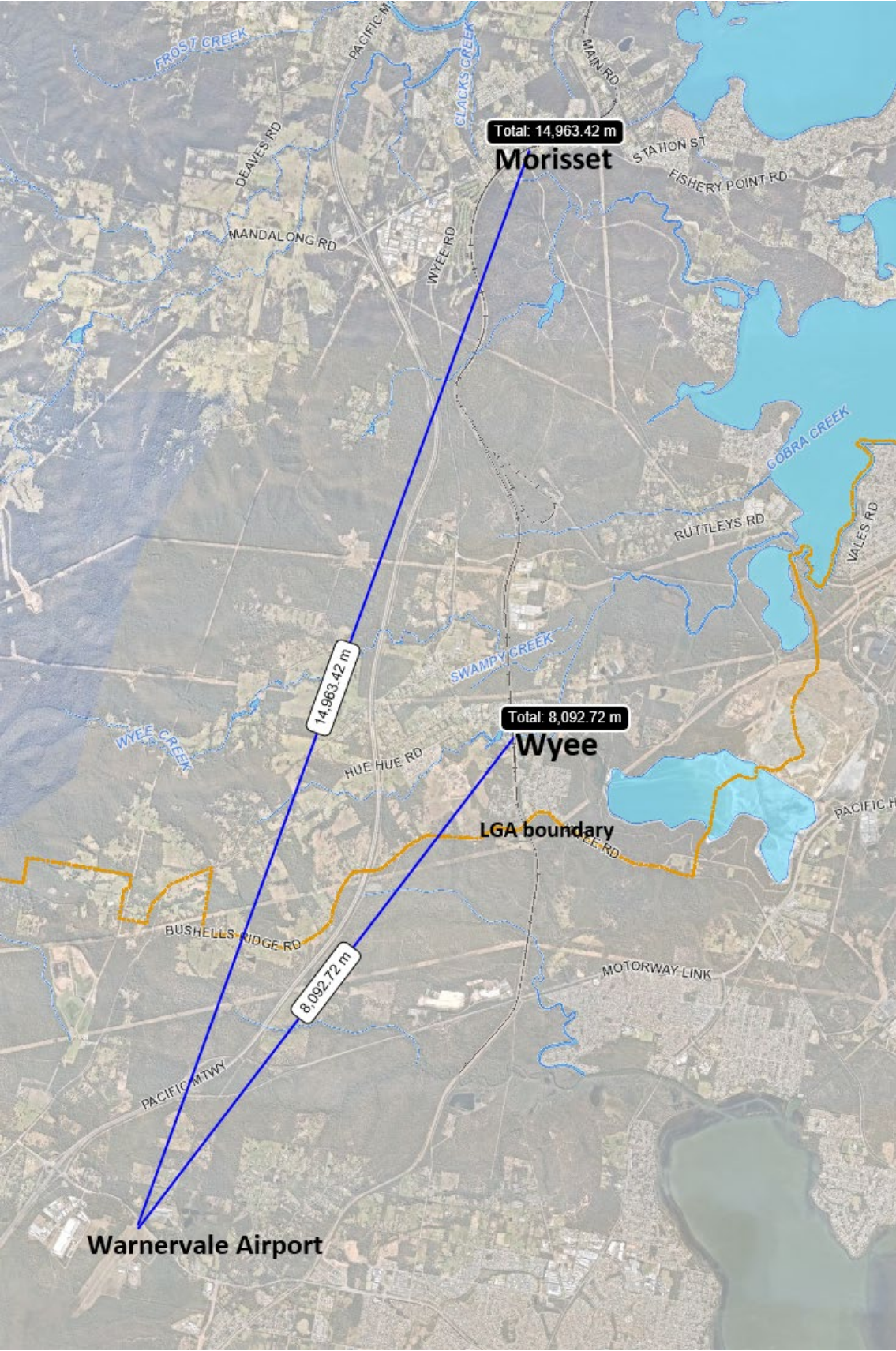
As suggested in our previous submission, we believe the rights and interests of residents and businesses affected by Warnervale Airports operations can be protected by embedding adequate consultation requirements for the airport's owners to consult with Lake Macquarie City Council and those from the abovementioned catchments. An open and robust consultation process could help resolve many of the diverse and divergent views about the airport, particularly if the Civil Aviation Safety Authority can help educate stakeholders about how the airport will be regulated.

Thank you again for the opportunity to make a submission. Representatives from Council are happy to participate in the upcoming hearing to discuss items raised in this submission.

Yours sincerely

Morven Cameron  
Chief Executive Officer

Map: Distance from Warnervale Airport to Wyee and Morisset Train Stations







25 February 2020

The Director  
Central Coast and Hunter Region  
Department of Planning, Industry and Environment  
by email: [centralcoast@planning.nsw.gov.au](mailto:centralcoast@planning.nsw.gov.au)

Dear Sir/Madam

**Subject:           Review of the Warnervale Airport (Restrictions) Act 1996**

Thank you for the opportunity to make a submission on the Department of Planning, Industry and Environment's review of the *Warnervale Airport (Restrictions) Act 1996* (the Act). We acknowledge the objective of the review is to reduce uncertainty created by activation of the 'flight movement restriction' provisions of the Act, a consequence of the former Wyong Council extending the runway at the Warnervale Airport.

The Act provides basic provisions necessary to protect the rights and interests of residents and businesses in both the Central Coast and Lake Macquarie local government areas.

Lake Macquarie City Council staff provide the following comments:

- The flight path for Warnervale Airport extends over the existing and planned future urban areas at Wyee which crosses the local government area boundaries of Central Coast and Lake Macquarie City. Accordingly, consultation provisions of the Act should include Lake Macquarie City Council and the consultation radius be extended to 15km to include residents of Wyee.
- If there is an expansion of the total number of flight movements from 88 to a slightly higher number, we suggest that the existing curfew period remain and that a cap still be put in place. We do not, however, support any changes to the application of flight movement provisions to certain aircraft (e.g. by designation of weight).
- Should consideration be given to amending the Act, we recommend the panel consider the amendments tabled in Attachment 1 (in addition to minor and technical amendments such as omitting "Wyong Council" and inserting "Central Coast Council"). Any amendments to the Act need to be considerate to the rights and interests of residents and businesses in both the Central Coast and Lake Macquarie City local government areas.

Yours sincerely

Morven Cameron  
Chief Executive Officer

## Attachment 1

Section	Recommendation	Commentary
<b>Definitions</b>	<p>We recommend the following definition be inserted:</p> <p><b>aircraft movement</b> means:</p> <p>the landing of an aircraft at the airport; or the taking off of an aircraft from an airport.</p>	<p>This definition is consistent with the definitions defined by the <i>Airports Act 1996</i> (Commonwealth) and provides clarity to stakeholders about the interpretation of flight movements.</p>
<b>Section 11, Independent review of proposal</b>	<p>We recommend Section 11(3) be broadened to require consultation with Lake Macquarie City Council.</p>	<p>Lake Macquarie City Council has a vested interest in the expansion of the airport runway due to the potential impact an extended runway may have on Lake Macquarie City residents and businesses.</p>
<b>Section 12, Noise Study</b>	<p>We recommend Section 12(2) be broadened to require consultation with Lake Macquarie City Council.</p>	<p>Lake Macquarie City Council has a vested interest in the expansion of the airport runway due to the potential impact an extended runway may have on Lake Macquarie City residents and businesses.</p>
	<p>We recommend Section 12(2) be clarified to ensure that the person appointed to undertake the Noise Study is independent of any proponent prepared studies.</p>	<p>Ensuring the independence of the person undertaking the Noise Study is critical to demonstrating integrity in any review or approval process.</p>
	<p>We recommend the 7.5km consultation radius in Section 12(3) be doubled to 15km to account for growth in Wyee.</p>	<p>Wyee has been subject to significant growth since the Act commenced. This populous town crosses the local government area boundaries of the Central Coast and Lake Macquarie City. Extending the consultation requirement to capture more of the Wyee community will improve consultation outcomes.</p>
	<p>We recommend a new Section 12(4) be inserted, requiring a Noise Study to include consultation with occupants and owners of sensitive developments within the same radius as that which is decided for Section 12(3).</p>	<p>Section 12(3) requires consultation with residents, but does not specifically outline consultation requirements with other affected stakeholders.</p> <p>The recommendation for consultation with sensitive developments is consistent with requirements for Noise Exposure Forecasts prepared under the <i>Airports Act 1996</i>.</p> <p>Sensitive developments include, but are not limited to: residential dwellings; a community care facility; a pre-school; a primary, secondary, tertiary or other education institution; a hospital; etc.</p> <p>We note that Warnervale Airport does not operate under the <i>Airports Act 1996</i>, however it would be reasonable to suggest that noise studies should be consistent across jurisdictions.</p>